TAMING THE ADJECTIVES: HUNGARY, POLAND, AND A NEW, DYNAMIC APPROACH TO POLITICAL REGIME CLASSIFICATION

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ABSTRACT

Nathanael C. B. Brown: Taming the Adjectives: Hungary, Poland, and a new, dynamic approach to Political Regime Classification
(Under the direction of Holger Moroff and Heiko Pleines)

Despite the general consensus in the expert community that the move away from liberal democracy has been significant in Hungary and Poland over the past years, deciding what to call these regimes has proven far trickier and more divisive, with scholars and NGOs often taking either hyperspecific or very broad approaches to naming and categorizing the two regimes. This thesis will thus put forward a new approach, one which can 1) get at the key differences and similarities between the Polish and Hungarian cases and 2) do so in a way which allows for classification of and comparison between all nations, in a way which respects the middle "hybrid" space rather than attempting to divide it between a broad democratic and broad autocratic space, an approach which cheapens both terms. Both cases will be examined according to this new approach, and its broader implications discussed in the conclusion.

To my advisors, Holger Moroff and Heiko Pleines, who gave this paper the tough love it needed;
to Sarah Hutchison, for keeping me on track while far from home during crisis;
and to my family, for all the rest.

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Chapter One: Introduction

Hungary and Poland, as has been discussed at great length over the past few years, constitute in the minds of many a new challenge to liberal democracy in Europe, and as particularly significant cases of a worldwide trend of "autocratization" or "democratic backslide". This has resulted from a decade-long period in Hungary and a five-year period in Poland of new and sustained attacks on the independence of the judiciary and media, demonization of immigrants and refugees, and apologism regarding questionable aspects of the nations' respective histories.

This has led to an effective consensus in the expert community that the move away from liberal democracy has been significant in these countries. The consensus, however, ends here; as will be shown and discussed in Chapter 2, watchdog organizations and scholars have attached many, often mutually exclusive labels to the two nations over the past decade. This disparity between democracy ratings and the plethora of adjectives attributed to Hungary and Poland in recent years clearly demonstrate first, that some very real negative development in terms of Hungarian and Polish democracy has occurred over the last decade, and second, even (perhaps especially) area experts do not agree on what to call it (Bozóki and Hegedűs 2018, 1482). The details of the two cases, the litany of attacks on liberal democratic institutions by government forces, are not under any serious contention; however, when presented with such strikingly different terminology arising out of the same set of circumstances, it is difficult to see this as anything but a sign that experts are not able to agree on the severity and, more importantly, the deeper *nature* of this government action. "Flawed Democracy" and "Electoral Autocracy," even if one accepts

them as useful terms in their own right, are simply too far apart to reasonably describe the same country at the same time (as two watchdog organizations recently did), and yet this is the situation we currently find ourselves in when surveying country-level data.

This thesis will argue that the widely differing considerations of the nature of Hungarian and Polish democracy (or lack thereof) is not due to expert mistakes or oversight, but rather due to the novel nature of the interplay between their current governments, deeper regime characteristics, and supranational constraints, a combination incongruous with previously-examined cases within the "broad hybrid" area of the democracy-autocracy spectrum (everything between full liberal democracy and full autocracy). The very existence of what has been called "democratic backslide" and "de-democratization," among other terms, is a phenomenon few anticipated gaining such steam in the post-socialist EU space, which was until about 2010 considered a poster child for democratization. Combined with the intentional, *conspiratorial* nature of this shift, and (critically) the existence of supranational constraining organizations (the EU and its associated institutions being far and away the most important), these factors make a strong case for the Hungarian/Polish phenomenon being considered in many ways part of the same phenomenon – and yet, critical differences between the two clearly still exist. The true question is thus how to conceptualize these phenomena in a way broad enough to help understand their connectedness (as opposed to arguing Hungary's and Poland's recent experiences are fundamentally different), but narrow enough to avoid the under-specification which has led to very intelligent people coming to unreasonably different conclusions on the nature of the Hungarian and Polish regimes.

Thus, a new approach is required, one which can 1) Get at the key differences and similarities between the Polish and Hungarian cases and 2) do so in a way which allows for classification of and comparison between all nations, in a way which respects the middle "hybrid" space rather

than attempting to divide it between a broad democratic and broad autocratic space, an approach which cheapens both terms. Both cases will be examined according to this new approach, with its broader implications discussed in the conclusion.

A New Approach

The combination of disagreement over the nature of the current state of Hungarian and Polish democracy (or lack thereof) and the convoluted nature over classifications of those and other regimes in the broad hybrid space which do exist leads this paper to introduce classification dimensions beyond the fundamental "regime status quo" variable on which current thinking surrounding regime typologies, and especially NGO ratings like those discussed in the introduction, are based. This still-important dimension is accounted for in subdimension 1a of this paper's scheme, which is structured as follows, consisting of two dimensions, the first containing two further sub-dimensions:

1. **Domestic Regime Characteristics**
    a. **"Big Picture" of Regime** (possible values: Liberal Democratic, Hybrid, Authoritarian): reflects the status quo of the deep characteristics of a nation's politics, including citizens' political and civil rights, the health of the media, judicial independence, critical engagement of citizens in politics, which democracy watchdog organizations mostly base their judgements upon
    b. **Orientation of Current Government** (possible values: democratizing, stable, autocratizing): The aims of the current government, whether or not this matches the "big picture" of the regime. This subdimension serves to help identify regimes-in-motion and distinguish them from more stable, "well-matched" government/regime pairs
2. **Constraints on Regime:** The level of domestic and supranational resistance to transformation of regime characteristics.

This approach aims to allow simultaneously more structure and flexibility in our conception and classification of especially hybrid regimes/regimes in transition, the goal being in this

instance to be able to consider Hungary and Poland part of the same phenomenon, without claiming that their domestic situation is the same in all respects. For instance, using this approach we could classify Hungary as a "supranationally-constrained autocratizing hybrid regime" and Poland a "highly-constrained autocratizing hybrid regime" if we concluded that the countries share all meaningful characteristics aside from constraints on their current governments' agendas, Hungary facing only significant supranational constraints, while Poland faces significant domestic constraints as well. This approach allows us to describe governments not only based on their current "big picture" (as watchdogs like the Economist Intelligence Unit or Freedom House tend to do), or on the current government's agenda (which media tends to focus on), but to blend both of these while taking into account meaningful restrictions on movement on the democracy-autocracy spectrum (which often go underemphasized by both). In essence, Subdimension 1b tells us in which direction the country is more likely to go, and Dimension 2 provides an indication of the likelihood of significant change and its degree.

Dimension 1: Domestic Regime Characteristics

This dimension aims to capture the current domestic situation of the country, including the deeper (institutional and societal) features that make a country democratic, authoritarian, or somewhere in between, as well as the orientation of the current government, which could be reformist (in either direction) or well-matched to the current broader status quo.

Subdimension 1a: The "Big Picture"

This subdimension aims at describing roughly what watchdog organizations busy themselves with, providing a snapshot of the overall state of affairs in a nation and attempting to place that country at a given point of time on a democracy-autocracy spectrum. Of course, this is easier

in extreme and/or stable cases; Norway and North Korea are much clearer cases for those interested in such categorization (Economist Intelligence Unit 2018), namely democracy watchdog organizations like those mentioned above, than those in the hybrid space or those in political transition (our case study nations are arguably both). This can be seen in the trend of consensus at the poles but relatively heterogeneous ratings for countries towards the middle of the distribution among watchdog organizations, including Hungary and Poland.

The approach of this paper is not to divide regimes into many "levels" of democracy/autocracy, as this would lead to both unnecessary complication and an ill-advised erosion of the absolute nature of the terms at hand. This paper will rather take the approach of, among others, Juan Linz and Bozóki and Hegedűs, in not using adjectives to soften the words "democracy" and "autocracy," to describe hybrid nations using these far more absolute terms. The author agrees with the latter authors that such an approach, at least implied in terms like "flawed democracy," "erodes" and cheapens the idea of these polar categories (Bozóki and Hegedűs 2018, 1183), both in academic literature and in the public discourse. While further discussion of this topic could fill a book, for the purposes of this paper this means utilizing the idea of a "broad hybrid space," that is, everything that is not a liberal democracy or full autocracy can be considered to belong somewhere in the hybrid realm. "Adjectives," in this paper connected to Subdimensions 1b, 2a and 2b, will in this paper be used systematically to distinguish *within* these large categories, especially important within the broad hybrid space, as opposed to indicating a more specific location on the democracy-autocracy spectrum or drawing attention to unusual aspects of a given regime.

Of course, even if this makes Poland and Hungary (and other backsliding, or indeed democratizing, regimes) more likely to be classified of being hybrids in a broad, "big picture"

sense, we still need methods to determine which regimes are liberal democracies, which are hybrid regimes, and which are authoriarian. This subdimension will utilize existing classifications considered under the aforementioned lens; while existing indicators are easily challenged from a theoretical perspective, they are still largely effective for the task of comparison between nations. A conclusion as to which category each nation belongs in will therefore be arrived at after the literature review, at the end of Chapter One.

Subdimension 1b: Orientation of Current Government

The first additional subdimension, "orientation of current government," involves decoupling current governments from the status quo of the nations they rule (what could be termed broader "governance" and "political culture" - the factors measured in Subdimension 1a - including media, government institutions, strength of checks and balances, level of civic engagement in politics, a healthy and open political debate, etc.). Put another way, this dimension allows the current government of a nation to have transformational goals which depart from that nation's deeper governance/political culture profile (i.e., a hybrid regime could theoretically have a government which had no transformational agenda, or one which aims to democratize or autocratize; one prominent potential example of a "decoupled" government could be Trump's America, with illiberal rhetoric and policy coming up against strong liberal-democratic popular, media, and institutional resistance). This decoupling, while complicating our classifications, is both more broadly useful and conceptually simple than the plethora of adjectives attached to both the word "democracy" and the word "autocracy" to describe nations in the broad hybrid space over the last decades (Bozóki and Hegedűs 2018, 1175). This decoupling is particularly important in terms of understanding recent developments in Poland and Hungary as of the same fundamental character, despite differing levels of success of the two governments in their illiberal "reform"

efforts due to other factors. Rather than doing as some academics have and labeling Hungary as a "unique" case due to the more severe degradation of its political culture in spite of "substantial commonalities" with Poland (as for instance Bozóki and Hegedűs do), we can identify the two as having this critical feature in common, while allowing other factors to further bind or separate the two cases independent of both the political status quo and government strategy/orientation.

Of course, this subdimension has a largely "directional" function, that is, indicating whether we could expect the regime to be democratizing or de-democratizing (or neither). There is a good argument to made for regime typologies to *not* take into account trajectory, that a static type or subtype should be reachable either from a more democratic or more autocratic direction; however, it is also true that static types can, and are, largely defined by the trajectory which got them there, and the political goals of those who led them there in the first place (an extension of the logic of Bogaards, among others). To give a more concrete example, hybrid regimes which have relatively recently emerged from full authoritarianism will likely *look significantly different* and face significantly different challenges than nations which arrived there from a comparatively democratic starting point due to legacies and path dependencies of the preceding regime. Formerly autocratic hybrid regimes will likely face hurdles to democratization, like powerful entrenched military/elite interests, totally different from the obstacles faced by autocratizing formally democratic hybrid states (which would more likely face judicial restraints, risk of pre-consolidation electoral defeat, etc.). For this reason, this paper will argue that the very fact of the *de*-democratizing nature of these two countries (as opposed to democratizing), and the accompanying issues specific to this trajectory faced by each country, including conflicts with independent media, academia, and the judiciary, is a key part of understanding the nature of the Hungarian and Polish cases in the broader context of hybrid regimes worldwide.

This subdimension has many potential measures, from speeches from government figures, to government actions, to changes in democracy indicators over time. However, in the interest of simplicity, achievability, and not conflating success with intent (in the case of the last), categorization will in this paper be based on significant transformative government actions – new laws, appointments/firings, restrictions, etc. directly attributable to the current government and aimed at democratization/autocratization, whether they succeed, partially succeed, or fail. This paper will mention significant trends in political dialogue, but will not analyze them directly, as this would broaden the project beyond the point of feasibility.

While in marginal/mixed cases, or even more significantly static cases, this method of categorization via extraordinary government actions, including those of the relatively coordinated and unidirectional strategies of Poland and Hungary's governments over recent years, might prove more difficult, with a higher danger of a muddled or uncompelling picture, it is ideally suited to determine the intended direction (democratizing, static, or autocratizing) of these regimes. What constitutes a "significant transformative government action" is, of course, subjective, and at least somewhat subject to availability concerns; hence, this paper will collect information from and/or crosscheck information with the biannual publications from prominent watchdog organizations like Bertelsmann Stiftung and the Economist Intelligence Unit (sources which, due to their broad focus and funding level, could also be used for studies of many other nations) and reporting from respected media outlets like the BBC.

Dimension 2: Constraints on Regime

The second dimension of this approach to regime classification is the degree and nature of limitations placed on the country, both domestic and supranational. Both are, of course, significant, and will look different and have different relative importance depending on the country or

countries being discussed; however, determining the degree to which, and ways in which, a nation's movement from its status quo is constrained is important in distinguishing the Hungarian and Polish phenomena from other hybrid nations and autocratizing regimes.

Domestic limitations obviously exist in every nation; however, their strength varies significantly. To illustrate (and allude to the ultimate ratings), the U.S. should probably be considered strongly limited in terms of change in level of democracy due to its strong institutions, media, civil society, and judiciary, a significant and still-functioning system of checks and balances, and lack of any constitutional or veto-proof majorities of a single party. By contrast, Chapter Three will show that Poland has only some of these qualities, and Hungary at this point has few to none; the three thus display widely different levels of domestic constraint, despite sharing many features in terms of Subdimension 1b.

The second element of regime constraint, supranational constraints, allows us to further distinguish Hungary and Poland from non-European hybrid regimes due to the unique role the EU has played in their recent history. Of course, every nation is exposed to some supranational pressure; even rogue states like North Korea must at least take into consideration the impact their actions might have on the international community and the coordinated measures (such as economic sanctions) that might be taken against them by groups of other nations, a point made by (among others) Levitsky and Way in their 2010 book on competitive authoritarianism. However, the EU, with its unique semi-governmental structure and its capacity, albeit limited, for *direct* power over political and economic matters in each member state, and its substantial power to regulate, constrain, and legitimate national governments, make the situation of de-democratizing EU states fundamentally different than others outside it, even those (like Russia) which they may share many other similarities with. Theoretically, either an association of liberal or autocratic

states could influence a democratizing or de-democratizing power, pulling that nation to some degree towards group norms, either formally or informally; in our cases, it would be reasonable to assume that the EU has had some stymying effect on the Hungarian and Polish slide towards autocracy, and indeed pressure from within the EU has on many occasions worked against government efforts to move in an illiberal direction within those countries, as will be explored later in this paper.

Methodologically, this subsection will examine the nature, level, and outcome of domestic and supranational resistance against the significant transformative government actions which form the basis of the measurements for Subdimension 1b. Relevant constraining domestic actors (including parliamentary opposition, intra-party opposition, the judiciary, media, civil society organizations, popular movements, etc.) and supranational actors (varies across regimes) will be recorded, after which a qualitative judgement regarding the level of constraint can be distilled based on the level of concessions these forces were able to extract from the government in question. Analyzing both domestic and supranational constraint will introduce important nuance in the degree and nature of constraint; though "constrained" regime types do feature in the literature today, this allows for cases of "partial constraint" (i.e., domestically but not supranationally constrained, or vice-versa) to be identified and treated as such, as opposed to treating constraint rather ham-handedly as a binary variable.

Paper Structure

This introduction will be followed by a literature review, in which the existing characterizations/sub-delineations of the hybrid space, and the recent characterizations of our case study countries in particular, will be presented; a discussion and rating for Subdimension 1a will be provided at the end of this chapter. Chapter Three will provide the relevant facts in terms of the

de-democratization phenomena present in Hungary and Poland over the past decade, and analyze each under the scheme presented earlier in this introduction, resulting in each country being rated according to it on Subdimension 1b and Dimension 2. The Conclusion will then discuss the significance of those findings, strengths and weaknesses of the approach, potential applicability to other cases, and areas for future research. A bibliography will be provided at the end of the paper.

Chapter Two: Existing Approaches

This chapter will examine existing approaches and classifications of hybrid-space regimes and, including broad categories, narrower subtypes of hybridity, useful recent categorizations of Hungary and Poland specifically, and democracy watchdog index ratings for the two countries. Though these provide some useful ideas, this will be followed by an explanation why this essay is not fully convinced of any of these classifications for the cases, followed by a rating of the cases according to index ratings, as laid out in the introduction. Of course, many of the types and classifications to follow fall into the "adjective trap" mentioned in the introduction to one degree or another; this paper is obviously skeptical towards the decades-long trend towards heavier use of often highly specific adjectives (Collier and Levitsky 1997) and will attempt, through a standardization scheme, to address some of its weak points. However, in order to both understand the state of the research and provide adequate grounds for criticism, judgment on this matter will be reserved for later.

Broad Regime Classifications: Flawed Democracy and Hybridity

There exist a number of theoretical approaches to the classification and understanding of regimes like Hungary's and Poland's, of regimes which blend the features and aesthetics of liberal democracy with features of authoritarianism. These include the ideas of "flawed democracy" and "hybridity," as well as subtypes of these and other (usually more specific) terms describing aspects of the same phenomena. It is necessary to understand this existing theory to ascertain

whether it allows for the accurate and useful description and classification of the countries this paper concerns itself with.

"Flawed Democracy," as the Economist's Intelligence Unit defines it, refers to regimes which "have free and fair elections and, even if there are problems (such as infringements on media freedom)," and where "basic civil liberties are respected" (Economist Intelligence Unit 2016). However, there also exist "significant weaknesses in other aspects of democracy, including problems in governance, an underdeveloped political culture and low levels of political participation" (ibid). The EIU defines flawed democracy, through its 0-10 Democracy index, as occupying the 6.01-8.00 range, between "Full Democracy" (8.01-10) and "Hybrid Regime" (4.01-6.00). This categorization seems to indicate that "Flawed Democracies" are distinguished by combining the core aspects of democracy (voting rights and civil liberties) with weaker institutions and civil societies than exist in full democracies, despite these not being so degraded as to require branding them "hybrid regimes". They may also be referred to by other terms, notably the "defective democracy" or the "delegative democracy" of Guillermo O'Donnell (Ezrow 2017).

"Hybridity" or "Hybrid Regimes," as defined by the EIU, feature "substantial irregularities that often prevent them from being both free and fair" and potentially frequent "government pressure on opposition parties and candidates" (Economist 2015). "Serious weaknesses" are more prevalent in these regimes than in flawed democracies, in "political culture, functioning of government and political participation"; these regimes also feature widespread corruption, a weak rule of law (lacking an independent judiciary), and weak civil society (ibid). Lastly, harassment of and pressure on journalists is typical (ibid). While numerous definitions of hybridity could be given, this very broad definition generally suffices; the line between flawed democracy

and hybridity, furthermore, is a complex one which cannot be explained easily (or perhaps definitively at all). It may be best to accept the simple, if broad, definition that flawed democracies are "simply democracies that have imperfections that affect the quality of democratic governance" (Ezrow 2017), while hybrid regimes have in meaningful ways either not reached this point, or degraded too far towards authoritarianism for it to apply any longer.

Narrower Subtypes of Hybrid-Space Regimes

Rather than get too involved too quickly in that particular debate, it is probably more useful, and certainly more interesting, to move now to particularly interesting subtypes of flawed democracies/hybrid/illiberal non-autocratic states, to get a feel for the toolbox political theory has provided us to understand new cases of interest like our two case-study nations. Other ideas often useful for understanding regimes between full democracy and autocracy include façade democracy, democradura, the competitive authoritarian/electoral authoritarian/hegemonic electoral authoritarian spectrum, and Carothers' dominant power syndrome and feckless pluralism.

The concept of "Façade Democracy" highlights an important distinction between hybridity and authoritarianism. This type of regime is, as indicated in its name, not truly a democracy, or even a hybrid regime, but rather an authoritarian one which for strategic reasons chooses to incorporate some of the trappings of democracy while remaining authoritarian in nature. According to Ritter, it is a "type of authoritarian regime that for instrumental reasons embraces Western political values and norms, such as democracy, human rights, and individual liberty" (Ritter 2015), but "in practice these institutions serve only to consolidate the regime," the elections being fraudulent and solely carried out for purposes of legitimation (Ezrow 2017); for this reason, such regimes are also often called pseudodemocracies (ibid). This distinction sets up a clear, if still not easily-defined, boundary between hybridity and authoritarianism: it is not enough that a

regime *has* elections for it to be called a hybrid rather than authoritarian regime, but rather the elections, though they may not be free and fair, must still be meaningful. What exactly that means is of course different in every case, but ascertaining what constitutes a "meaningful" election within the national and international context is clearly thus critical in distinguishing hybridity from full-throated authoritarianism.

"Democradura," a Spanish portmanteau of "democracia" and "dura" (hard), refers to democratic regimes which has restricted civil liberties, which has been applied to several Spanish and Latin American regimes (notably in historical Spanish, Mexican and Chilean contexts). This term is placed in opposition with the term "dictablanda," from "dictadura" and "blanda" (soft), an authoritarian regime which guarantees a high level of civil liberties.

The two related terms "Competitive Authoritarianism" and "Electoral Authoritarianism" constitute, by contrast, fairly narrow subtypes. "Competitive Authoritarianism," from Levitsky and Way, are similar to flawed democracies in that they "usually perform well on civil liberties and electoral processes but have weak methods of accountability," but with the critical distinction of having "not entirely fair" electoral processes (Ezrow 2017). Thus, they fall short of even a flawed form of democracy, but they are also unable to eliminate or "reduce… to a mere façade" formal election rules, thus placing the subtype in the author's minds in the hybrid space between flawed democracies and true authoritarianism (the authors believing façade democracies being merely a type of the latter category)(Levitsky and Way 2010, 53). Andreas Schedler's "Electoral Authoritarianism" is similar, but offers even less opportunity for genuine political contestation as a result of "[violating] liberal-democratic minimum standards in systematic and profound ways," leading to little uncertainty of who will emerge victorious from elections (Schedler 2015, 1); this is a useful delineation between hybridity and full authoritarianism in the existing literature, as

Levitsky and Way would likely view Schedler's "electoral authoritarian" nations as authoritarian rather than as a subtype of hybrid regime as he does (Ezrow 2017). A further delineation comes from Larry Diamond in the form of "Hegemonic Electoral Authoritarianism," which offers even less genuine contestation, but may provide more ideological diversity within the resulting single-party rule due to varied, relatively non-ideological elite preferences (Diamond 2002); one example would likely be Mexico under PRI rule.

The last two (mutually exclusive) terms of particular interest to students of illiberalism come from Thomas Carothers' 2002 article "The End of the Transition Paradigm". The first, "Dominant Power Syndrome" or "Dominant Power Politics," refers to "countries… [which] have limited but still real political space, some political contestation by opposition groups, and at least most of the basic institutional forms of democracy," but nonetheless "one political grouping—whether it is a movement, a party, an extended family, or a single leader - dominates the system in such a way that there appears to be little prospect of alternation of power in the foreseeable future" (Carothers 2002). Electoral Authoritarianism can be seen as a sub-subtype of hybridity under Dominant Power Politics (Jeyapal 2017). The second, "Feckless Pluralism," refers to countries with "significant amounts of political freedom, regular elections, and alternation of power between genuinely different political groupings" (Carothers 2002). However, "despite these positive features... democracy remains shallow and troubled," with widespread and well-known elite corruption leading changes in leadership to mean little in practice, resulting in a politically disaffected population due to the "stale, corrupt, elite-dominated" nature of domestic politics (ibid).

Case-Study-Specific Classifications and Considerations

Moving beyond broad, global-level classifications of the two nations' governments, this section will address classifications not already mentioned above put forward by scholars specifically analyzing the two cases, providing key insights into their analysis despite the inherent issues with their narrow adjective-based approach.

One categorization of the Hungarian case is Bozóki and Hegedűs's "externally constrained hybrid regime". The authors argue that "the Orbán regime belongs to a specific class of hybrid regimes" and that "although currently being made up only by a single item, Hungary, bearing in mind the ongoing democratic backsliding in East-Central-Europe in general, and Poland in particular, the separation of hybrid regimes evolving within the European Union (EU) as a distinct subtype of hybrid regimes is justifiable both from a theoretical and practical perspective" (Bozóki and Hegedűs 2018, 1174).

In terms of pure categorization, they argue that "only in the first period of its existence" (the period to 2013 or 2014) could Hungary be termed some sort of "[degraded] democracy" (ibid); for them, either the unilateral 2013 modifications of the constitutions and radical restriction of the power of the Constitutional Court or what they term the "unfair elections" of 2014 marked the beginning of Hungary's hybridity. This, however, is not the most interesting part of their analysis, which comes in the form of more theoretical contributions to the classification of the Hungarian (and, by extension, Polish) phenomena. Firstly, they argue that "the EU functions as a 'regime sustaining', a 'regime constraining', and, last but not least, as a 'regime legitimizing' factor for Hungary" (ibid); in other words, the EU, while acting/having the ability to act as a constraint on Hungarian illiberalism through the mechanisms described above

(threat/use of Article 7 proceedings, fund conditionality, etc.), they also – mostly implicitly – serve regime-supporting functions through continuations of membership ties and the benefits which come along with it. Secondly, they argue for the importance of "external embeddedness" of political systems, the "extent to which outside forces influence the political system itself," in classifying regimes (1173). In practice, this means that "just as it is more difficult for an authoritarian regime to democratize if it is surrounded by other authoritarian regimes, it is also more difficult for a democracy to regress to dictatorship if that democracy is a member of an alliance of democratic states" (1173-4), surely a potential logical basis for expanding traditional typologies of democracies and hybrid regimes.

The authors also, without using quite so bold a term, begin to theorize (or at least provide a basis for theorizing) the potential qualities of what might be termed a new "European hybridity" They argue that the EU has played a "Janus-faced role" in supporting democracy in Hungary due to its unique structure, imperfectly adjusted to the issue of democratic degradation in member states (1178). Its own intended functions of regime-legitimation caused it to "lack the political and legal tools to confront effectively the Hungarian government over the dismantling of liberal democracy and liberal constitutionalism," with the exception of initiating Article 7 proceedings (ibid); on the other hand, the Council of Europe and the EU have, largely through European Court of Human Rights judgements, over the same period been able to "secure respect for personal freedoms at a relatively high level" (ibid). For those interested in typologies and the direction of European democracy, this sounds very much like supporting evidence for the emergence of a "European hybrid" model, as, while the authors hesitate to apply that word or their logic on Hungary to Poland (though admitting many "substantial commonalities")(ibid), the same peculi-

arly European institutions wield power over both nations, and surely have been shaping and continue to shape them according to its own peculiar desires and limitations. Though this paper cannot take all of these points into consideration, it is nonetheless interesting to consider that the uniquely powerful and broad control that European supranational organizations have over much of the continent could have positive as well as negative effects on regime legitimacy, even for member states it sees as misbehaving.

Another take on particularly Hungary's status (obviously allowing for connections to Poland's) is that it constitutes a "diffusely defective democracy," as put forth by Maathijs Bogaards. He interprets Hungary as a "deviant and exemplary case for understanding de-democratization," and, while borrowing from the existing literature on de-democratization (a term he prefers to democratic backslide and other more commonly used terms), especially Merkel et al.'s ideas of imbedded democracy and typology of "less-than-fully democratic regimes," criticizes this existing literature for not fully accounting for Hungary's trajectory as "not simply the mirror of democratization" (Bogaards 2018, 1481, 1483). While this paper will still use the term "autocratization," it takes the point that the direction of change is important; as stated in the introduction, a nation which has reached a given point (likely in the hybrid space) through significant autocratization will surely have a different balance of features than a nation at the "same" point on the spectrum but having arrived from a much more authoritarian position. These nations will obviously feature different government agendas and have different constraints; this is a prime reason behind the addition of Subdimension 1b and Dimension 2, to allow for such regimes to be differentiated.

Lastly, on a theoretical level it worth at least considering that Hungary and Poland evidence that democracy is an "essentially contested concept," that consideration of these countries

as flawed/failed/attempted democracies is missing the larger point of there being no single, monolithic definition of the term. For instance, in the socialist period within the Eastern Bloc all governments considered themselves "people's democracies," their idea of "democracy" being rooted in Marxist reasoning as opposed to the Western conceptions of liberal democracy. However, while of course all governments at least claim to be the ultimate form of representation of the people, it would be false to say that the governments of Hungary and Poland claim to be truer democracies than Western powers, as previous communist governments did; rather, their blend of respect for/idolizing of centralized power (e.g., Hungary's Orbán praising Russia and China and celebration of the decline of liberal democracy, and Poland's Kaczyński stating a desire to see Hungarian-style illiberalism take hold in Poland – more on these in Chapter Three)(Lyman and Smale 2014)(Sata and Karolewski 2019) is indistinguishable from the claims of authoritarian leaders around the world. Of course all leaders, even those in the North Korean "Democratic People's Republic", China's "People's Republic," or the "Democratic Republic" of the Congo claim some aspect of legitimacy through democracy, as evidenced in their names. However, we are under no obligation to give this farce any credence; the hostility towards checks and balances, towards national and supranational representative democracy, towards opposition parties and movements, towards press freedom, towards ethnic and cultural minorities, and the pursuit of maintained power above citizen's rights, in the aforementioned dictatorships as well as in Hungary and Poland, surely evidence more self-interest than lofty goals. The lack of even a claim to a different view of what "democracy" is, as in the case of nominally Marxist states (both Poland and Hungary showing little appetite for moving away from capitalism), while simultaneously praising states like China for their illiberal political systems, only serves to underscore that the phenomena in Hungary and Poland are not based on true desire to see popular self-rule, on

creating a “truer” democracy, but rather on fetishizing centralized power and setting themselves in opposition to the political and cultural liberalism of the West.

Index Ratings

Another way to understand Hungary and Poland’s current and historical political situation, less specific to those cases but more standardized/able to be compared to outside cases, can be found in indices from concerned organizations such as the Economist Intelligence Unit, the Varieties of Democracy Institute, Freedom House, and Bertelsmann Stiftung. Notable, however, is the concomitant general agreement that backslide/autocratization is occurring and the rather disparate conclusions they come to about the severity of these challenges, and the nomenclature they use to describe the current state of affairs in Hungary and Poland.

The Economist Intelligence Unit, one of the most prestigious think tanks within the fairly small field of democracy/freedom rating, uses a 0-10 scale, with 0 being the most authoritarian (North Korea, according to EIU the most autocratic nation in the world, hovers around 1) and 10 being the most democratic (Norway hovering below 10, followed fairly closely by other Nordic countries)(Economist Intelligence Unit 2020). Further delineations are made between government types, 0-4 being authoritarian, 4.01-6 being “hybrid regimes,” 6.01-8 being “flawed democracies,” and 8.01-10 being “full democracies” (these terms will be discussed at length in the ensuing chapters)(ibid). By their measure, Hungary and Poland are solidly in the “flawed democracy” category, and have been since the mid-2000s, though exhibiting significant and sustained declines from 2010 on for Hungary and from 2015 on for Poland (coinciding with the 2010 election of Fidesz in Hungary and the 2015 victory of Law and Justice in Poland:

Figure 1: EIU Overall Democracy Index for Hungary and Poland, all available years since 2006

x = country, y = year	2006	2008	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Hungary	7.53	7.44	7.21	7.04	6.96	6.96	6.90	6.84	6.72	6.64	6.63	6.63
Poland	7.30	7.30	7.05	7.12	7.12	7.12	7.47	7.09	6.83	6.67	6.67	6.62

(Economist Intelligence Unit 2018)

Also of interest are the subscores for each nation. The EIU also provides subscores in each of five categories: electoral process and pluralism, functioning of government, political participation, political culture, and civil liberties. Below are the compiled EIU overall scores and subscores for 2008 (the last available data year before Fidesz's 2010 election victory in Hungary), 2014 (the last available data year before the victory of Poland's Law and Justice), and 2019 (the latest available data year). Each shows, in addition to a fairly uniform overall plunge, a similar trend in subscores: functioning of government and political participation remain relatively stable, electoral process/pluralism and political culture dip somewhat over the full period, and civil liberties dip precipitously in both cases.

Figure 2: EIU Subscores for Hungary in Poland, selected years

	Hungary 2008	Hungary 2014	Hungary 2019	Poland 2008	Poland 2014	Poland 2019
Overall	7.44	6.90	6.63	7.30	7.47	6.62
Electoral Process + Pluralism	9.58	9.17	8.75	9.58	9.58	9.17
Functioning of Govt	6.07	6.07	6.07	6.07	5.71	6.07

Political Participation	5.56	4.44	5.00	6.11	6.67	6.11
Political Culture	6.88	6.88	6.25	5.63	6.25	4.38
Civil Liberties	9.12	7.94	7.06	9.12	9.12	7.35

(Economist Intelligence Unit 2008) (Economist Intelligence Unit 2015)(Economist Intelligence Unit 2020)

Freedom House, another prominent NGO, measures similar phenomena through a different methodology. It assesses *individual* level freedoms in each country based on the standard put forth by the Universal Declaration of Human Rights, adopted by the UN in 1948 (and not taking governments directly into account like the EIU) ("Freedom in the World Research Methodology" 2020). Its assessments of Hungarian and Polish political freedom and civil liberties lead it to slightly different conclusions than the EIU, showing marked decline in both civil and political rights for Hungary since 2009, but little decline for Poland over the same period:

Figure 3: Freedom House overall scores and subscores for Hungary and Poland, selected years

Note: Under old system, 1.0-2.5= "Free", 3.0-5.0 = "Partly Free", 5.5-7.0 = "Not Free"; under new system, 1-100 ascending

	2009 Overall (1-7 desc.)	**Pol. Rights**	**Civil Libs.**	**2014 Overall (1-7)**	**PR**	**CR**	**2019 Overall (1-100 asc.)**	**PR**	**CR**
Hungary	1 "Free"	1	1	1.5 "Free"	1	2	70 "Partly Free"	27	43
Poland	1 "Free"	1	1	1 "Free"	1	1	84 "Free"	35	49

(Freedom House 2009)(Freedom House 2014)(Freedom House 2020)

A third organization, the Varieties of Democracy Institute, in 2019 reclassified Hungary as an "electoral authoritarian" regime according to the "Regimes of the World" typology (see Lührmann, Tanneberg and Lindberg 2018), the first of its kind in the EU, with Poland also showing a autocratizing trend as an "electoral democracy" (Lührmann et al. 2020). Both were considered "liberal democracies" by the Varieties of Democracy institute in 2009 (ibid).

A fourth group, Bertelsmann Stiftung, also indicates declines in Hungarian and Polish liberal democracy over the last decade: in 2009, their respective scores for civil liberties were each .94 (out of 1), and in 2018 each .84, their scores for free and fair elections 3.83 and 3.89 (out of 4) in 2009 but 2.41 and 3.60 in 2018, and government censorship effort 3.58 and 3.84 (out of 4) in 2009 but 2.09 and 2.02 in 2018 (Bertelsmann Stiftung 2018a). However, this group, which (perhaps significantly) analyzes only the developing/democratizing world (i.e., everywhere except Western Europe, the Anglosphere, and Japan/South Korea), has a rosier assessment of the situation in the two countries: it classifies Poland as a high "defective democracy," having slipped just below the bar for "democracy in consolidation" (its most democratic category) and Hungary as a middling "defective democracy," despite there also being a "highly defective democracy" category above "moderate autocracy" (Bertelsmann Stiftung 2020a; 2020b).

A visualization of the government-type/freedom classifications (using their terminology) from the four aforementioned groups is provided below for 2009 (or closest available year before 2010) and the most recent available data year:

Figure 4: All Classifications, 2009 and 2020 (or closest available year)

	EIU '08	EIU '19	FH '09	FH '19	VoD '09	VoD '19	BS '08	BS '20
Hungary	Flawed Democracy	Flawed Democracy	Free	Partly Free	Liberal democracy	Electoral Autocracy	Democracy in Consolidation	Defective Democracy
Poland	Flawed Democracy	Flawed Democracy	Free	Free	Liberal Democracy	Electoral Democracy	Democracy in Consolidation	Defective Democracy

Sources not already cited: (Bertelsmann Stiftung 2008a; 2008b)

Discussion and Criticism

Given the wealth of approaches and categorizations which at least partially apply to our two cases, the question naturally arises: why not simply use one of those and be done with it? Why create a new typology if there are so many at least somewhat credible options to choose from? The issue is, as indicated in the introduction, not that the ratings themselves aren't useful, but that they are often too narrow (especially in papers which use novel, unique terms to distinguish that case from most/all others) or too broad (not enough useful information in the rating) to be useful without further independent study and comparison. Hungary, for example, definitely evidences "dominant power syndrome," and could conceivably be termed a flawed democracy, electoral autocracy, or defective democracy, or indeed likely many other terms, depending on the definitions used and the aspects given the most weight. Thus, there is a need for a balancing of these two, opposite tendencies, a need which this paper, with its new approach, will attempt to fulfill.

The next step, naturally, is to attempt to understand the cases of Hungary and Poland within the context of the types and subtypes laid out in the introduction. This will for several reasons utilize watchdog organization ratings over narrower, more qualitative work; firstly, space

and time considerations render utilizing the latter nearly impossible, and the (relatively) rigorous processes these organizations use, while far from perfect, do probably give a good picture of a nation's status quo taken in aggregation. However, it is important to acknowledge the limits of using such indicators. The expert opinions such ratings are based on are, though expert, of course subjective; there is no guarantee that personal bias cannot come into play, and some degree of inconsistency is unavoidable as no individual can know the exact processes by which other country experts arrive at their ratings. Furthermore, bias can exist on an institutional level; Nils Steiner, for instance, finds evidence for historical bias in country ratings from Freedom House, an NGO funded by the American government, favoring U.S. allies and punishing U.S. antagonists (Steiner 2014).

Furthermore, even beyond concerns with accuracy and bias within NGO country rankings/indicators, ratings of government type and level of freedom in Hungary and Poland have varied and continue to vary significantly, as seen in Figure 4, with 2019 seeing Freedom House rating of Poland as "Free," EIU rating both Hungary and Poland as "flawed democracies," and Varieties of Democracy reclassifying Hungary as an "electoral autocracy". Obviously, different methodological choices can reasonably lead to somewhat different results, especially in marginal cases, but the large spread of judgements on the relative level of democracy and freedom in the two states is puzzling; luckily, this issue can for our purposes largely be left to others due to this paper's theoretical stance, outlined in the introduction, *against* weakening adjectives and thus *for* a "broad hybrid space".

Subdimension 1a Ratings

The above evidence from the indexes indicate, on the whole, that democracy in both Hungary and Poland was not up to Western European or Anglosphere standards before the current governments of those countries took power, but that they were not particularly far off either; in particular, Freedom House and Varieties of Democracy did not distinguish each nations' pre-autocratization status quo as fundamentally different from established liberal democracies, and the Economist Intelligence Unit and Bertelsmann Stiftung both used "democracy" in their categorization of these cases (though accompanied by weakening language). By 2018/19, Hungary had slid down one category in every metric aside from the EIU's, and sunk considerably within its category in that case. Poland, while also clearly sliding away from democracy during that time, was only downgraded in one index, Varieties of Democracy's, indicating a more diverse set of views on the level of fundamental change to Poland's regime over the period in question compared to views of change in Hungary.

Hungary

Categorization of Hungary, given the idea of a "broad hybrid space" discussed in the introduction including, critically, an avoidance of weakening adjectives like "flawed democracy" or "electoral autocracy" which can reasonably be considered to intendedly polar terms in unhelpful and obfuscatory ways, seems fairly simple. It is clear from the above evidence that Hungary is not a true liberal democracy, nor has it likely ever been in the past decades, due to the combination of 2000-era doubts from EIU and Bertelsmann Stiftung and the high bar this paper's approach sets for being a "liberal democracy". Its upwards trajectory seems to have taken it well on the way towards this goal before stalling in the mid-2000s (Economist Intelligence Unit 2018), and obviously declining thereafter, having achieved the outward *appearance* but never truly the

quality of being a liberal democracy. It would also be unfair, however, to call Hungary a full autocracy; only one index, Varieties of Democracy, goes so far as to label it any sort of autocracy, and uses weakening adjectives in doing so. This judgement most likely stems from that institution having made the choice to include no hybrid space at all in its ratings, meaning under its framework a country immediately becomes an "electoral autocracy" after sinking too low to be termed an "electoral democracy". Rather, today's Hungary probably falls roughly in the middle of this paper's "broad hybrid space" – having far too many autocratic features to be a liberal democracy, but far too many liberal democratic features to be considered a full autocracy. Thus, a Subdimension 1a rating of **hybrid regime** is clearly warranted.

Poland

The case of Poland is somewhat less clear than that of Hungary, as, probably due largely to the shorter time period of Law and Justice rule and the electoral fragility of the Law and Justice majority (as described in Chapter Three, election victories and majorities have been narrow and even partial in Poland but crushing in Hungary), the government has not had the same capability for transformative action, even if it had the same desires. However, this perhaps somewhat lighter expression of democratic backslide should not stop us from considering it as belonging to the "broad hybrid space," be it a couple of notches towards liberal democracy within that space compared to Hungary or not. Again, the bar this paper places on being called a "liberal democracy" is high, and despite being closer to a liberal democracy in the 2000s than it is now, there is significant reason to believe that Poland has for the entirety of the past three decades belonged in the "broad hybrid space," simply moving up and then back down within it rather than crossing the threshold into liberal democracy. Even if it had, recent developments, many of which will be

detailed in Chapter Three, have led to declines within (EIU) or across (VoD) indicator categories, making it nearly impossible to argue that Poland belongs anywhere above the upper end of the "broad hybrid space," resulting in a Subdimension 1a rating of **hybrid regime**.

Chapter Three: Case Studies

Hungary

The erosion of the stranglehold on Hungarian political power by the Communist *Magyar Szocialista Munkáspárt* (*MSZMP*, English: Hungarian Socialist Workers' Party) began in earnest in 1988, when General Secretary János Kádár, who had been in that post since the brutally repressed Hungarian Uprising of 1956, resigned. He was replaced in that role by his Prime Minister Károly Grósz, who advocated for moderate reforms, before Grósz was himself replaced by Miklós Németh, a more radical reformer and the last General Secretary of Hungary. Németh famously allowed East Germans through to Austria in the following year, which also witnessed the fall of the Berlin Wall, the transmutation of the MSZMP into the Social-Democratic MSZP ("Hungarian Socialist Party"), and the amendment of the Hungarian constitution to decodify communist ideology. Németh was defeated in the free and fair elections of 1990, and the last Soviet troops left in 1991. Thereafter, for the next two decades Hungary enjoyed significant success in its efforts at democratization: it joined the EU in 2004 (along with many other CEE nations, among them Poland), and by the mid-2000s according to EIU Democracy Index measurements achieved a similar level of democracy as Italy and Belgium have today, with near-perfect subscores for Electoral Process/Pluralism and Civil Liberties (Economist Intelligence Unit 2018).

This trend, heretofore thought of as near-inevitable and irreversible, especially in the context of its recent accession to the enormously powerful and committedly liberal-democratic European Union, reversed with the election in 2010 of Fidesz. Fidesz (Hungarian full name: *Fidesz-Magyar Polgári Szövetség*, or "Fidesz - Hungarian Civic Alliance") under Viktor Orbán had ruled once before, leading a coalition government from 1998-2002, a period that constituted "relatively conventional European conservative" governance (Beauchamp 2018). Not so in 2010: amidst a global economic downturn and a regime of austerity on the EU level, Hungarians turned out in droves for Fidesz and Jobbik (a party even more right-wing than Fidesz, having been called an anti-Semitic and neo-Nazi party)(Paterson), with Fidesz carrying ⅔ of seats and around half the popular vote, and Jobbik an additional 12% and 17%, respectively. The resulting Orbán government, still in power likely until at least 2022, has caused great concern throughout Europe with its various anti-democratic, arguably authoritarian measures against the political freedoms and civil and legal rights which underpin the liberal democracy it not so long ago strived for.

The measures began soon after Fidesz's second ascent to power with the Constitutional Court's right of judicial review and annulment abridged in November of that same year. Specifically, the changes prohibited the court in many cases from "reviewing the content of or annulling acts on public finances," constituting in the minds of many the "principles of European constitutional development, the traditions of Hungarian constitutionalism developed since 1989–1990 and democratic political culture" (Chronowski et al. 2019). Around the same time, Fidesz approved a new "Media Law" which required, among other restrictions, that all media register with the state and that its content be "balanced" and "respect human dignity," as well as weakening journalistic protections by allowing for the forced revealing of journalistic sources, with penal-

ties for non-compliance including "fines, suspension, [and] being shut down" (Dunai 2014b). After widespread condemnation, including from the European Commission and leading EU powers, the law was amended in early 2011, constituting a retreat especially on the matter of journalistic source protection, but "fundamental problems [remained]" in terms of media independence due to Fidesz's complete dominance over the makeup of the law's enforcement body, as all members of the Media Council were to be appointed by the (Fidesz-dominated) parliament (ibid). In December of that year, disputes between Hungary and the EU and IMF over a new Hungarian law allowing the government more control over Hungarian monetary policy led to the cessation of aid talks, though talks resumed the next year after minor changes to the law.

As of January 1, 2012, many further restrictions on democratic governance and civil society came into effect as part of the new Hungarian Constitution, replacing the 1949 Constitution heavily amended in 1989. Firstly, perhaps the most directly (if perhaps not the most egregiously) democracy-limiting measure of the past decade was enacted, the restructuring of parliamentary election procedures and districts. The most important changes were halving the number of districts (decreased granularity thereby benefiting parties with the most widespread support, like Fidesz) and reducing the possible number of seats assignable via national lists (Schackow 2013). Although not at face value particularly anti-democratic in nature, the circumstances of Fidesz during this time and the likely outcome of the reform (a higher barrier for representation among small parties, and increased barriers for the displacement of large ones) indicate intentional consolidation of power, a goal obviously anti-democratic in nature. The new preamble to the constitution also introduced new nationalistic language focusing on "defending the intellectual and spiritual unity of the nation," a clear derogation of democratic pluralism (*BBC News* 2012).

Other provisions added to the new Constitution in 2013 included some that had previously been deemed unconstitutional by the Constitutional Court, and many codified or furthered restrictions set out in the previous year and a half. Foremost among these was the removal of the right of the Constitutional Court to review the legality of the constitution itself, the nullification of precedents set by that court under the previous 1989 constitution, and the lowering of the retirement age for judges sitting on the court, constituting a severe limitation on one of the only institutions able to challenge parliamentary power (*BBC News* 2013). Though some of these changes, notably in terms of new restrictions on media and the judiciary, were rolled back in September following criticism and recommendations from EU institutions and the Constitutional Court itself, most survived this test in one form or another. Furthermore, those few concessions which the EU was able to secure came at the expense of increased Hungarian National Bank oversight over domestic financial markets (MTI 2013), indicating an ability for Orbán's Fidesz to essentially hold democratic institutions like the judiciary and media hostage, exchanging the watering-down of restrictions for decreased European oversight in desired areas. As had by this point become a pattern, Fidesz under Orbán seemed set on a two-steps-forward, one-step-back march towards authoritarianism, with international pressure usually able to soften some extreme measures, but unable to fully stop the Fidesz supermajority from imposing its will domestically (and often requiring concessions from EU institutions to do so).

The year 2014 saw a second sweeping Fidesz victory, with its supermajority in parliament maintained despite winning less than half of votes due to a split opposition and stronger-than-ever majoritarian electoral policies, including more reliance on (larger) single-member districts due to the aforementioned electoral reforms. That year also saw an international outcry at plans for a Budapest monument memorializing the Hungarian victims of the Nazi regime

planned for the 70th anniversary of the Nazi invasion of Hungary, which were seen by many, including prominent Jewish organizations, as an attempt to rehabilitate Hungarian history by downplaying Hungarian government involvement in Nazi atrocities (Dunai 2014a). The monument was constructed, though opposition required it be assembled under the cover of darkness, and attracted protests for months thereafter (Nolan 2014). That year also witnessed Orbán cozying up to dictators: in a July speech, Orbán declared that liberal democracy was "in decline" and cited Russia, Turkey and China as illiberal states worthy of emulation (Lyman and Smale 2014); in August Orbán criticized EU sanctions on Russia over its annexation over Crimea, and in September Russia shut off gas pipelines to Ukraine while ramping up supply to Hungary; early the next year, Orbán met with Putin despite a pan-EU agreement to halt bilateral meetings over the Crimea issue (Deák 2015).

Migration featured heavily in the public and government discourse in Hungary in 2015 and 2016, as in the rest of Europe, but featured a high degree of government hostility even for generally anti-immigrant Eastern Europe (Drakulić 2015). The government again drew international criticism for its "questionnaire" on immigration, sent out to all citizens and asking opinions on policies which sometimes went against EU law (for instance, whether immigrants illegally crossing the Hungarian border should be detained for more than 24 hours)(Kováts 2015). Migrants attempting to cross the border fence with Serbia began being detained in September of that year, and a 2016 referendum late the next year constituted a mixed result for Fidesz and Orbán: 98% of those who voted sided with the government and against the EU in an intentionally divisive question regarding the EU plan to distribute migrants among EU states, but low voter turnout of near 40% failed to meet the threshold for constitutional validity (Kingsley 2016).

Nonetheless, it was celebrated by the government as a popular vindication of its stance on immigration (ibid). Measures against diversity of opinion in media also continued, though through indirect as well as direct means: October 2016 saw the majority of assets of left-leaning newspaper *Nepszabadsag* taken over by "Fidesz-connected persons," immediately followed by the dissolution of the organization (Rydlinski 2018, 99).

May of 2017 brought with it another conflict between Hungary and the EU, this time over perceived government persecution of the liberal and prestigious Central European University, headquartered in Budapest and supported by longtime Orbán opponent (and billionaire Hungarian-Jewish expatriate) George Soros (Spike 2017). The new National Higher Education law fairly clearly disadvantaged the CEU particularly by placing heavy restrictions on foreign-operating universities, essentially allowing the government to shut down such institutions if it so desired (ibid). The effort was successful in that the CEU, facing this immense pressure, moved to Vienna, as part of an intent on the part of Fidesz to "sweep out" organizations with ties to Soros which it perceived as meddling inappropriately in national affairs (Than and Ireland 2017).

The next year saw another sweeping victory for Orbán's party, retaining its two-thirds majority, and even further erosion of non-right-wing forces; winning nearly half of votes but retaining its supermajority, and the relative rise of Jobbik at the expense of smaller opposition parties, right-wing forces now controlled over three-quarters of seats in the Hungarian Parliament. Orbán was again sworn in as Prime Minister in May in a ceremony boycotted by several opposition parties, and in a speech to the new parliament referred to seeing "the 20-year period between 2010 and 2030 as a unified era," heavily implying plans for Fidesz's, and seemingly his own, leadership for another decade (*Euractiv* 2018). In September, Article 7 proceedings (derived

from the 2007 Treaty on European Union, and which theoretically have the power to strip misbehaving member states of some rights) were initiated against Hungary by the European Parliament, after that body declared that Hungary was "at risk of breaching Europe's core values," citing many of the aforementioned events and trends such as "judicial independence, corruption, freedom of expression, academic freedom, the rights of minorities and migrants, and other issues" (de la Baume and Heath 2018). This was only the second time such proceedings had been initiated, the first being Poland in the previous year also regarding judicial independence (ibid).

The year 2019 featured continued pressure from the supranational level against Orbán and Fidesz. The European People's Party, the center-right bloc Fidesz had to that point belonged to on the European level, suspended Fidesz over the same rule-of-law concerns as had motivated the Article 7 proceedings in the run-up to the 2019 European Parliament elections. Though Orbán characterized it as an amicable split, this effort, spearheaded by Annegret Kramp-Karrenbauer of the German Christian Democratic Union, evidenced increasing unwillingness of even mainline European conservatives to be associated with Hungary's democratic degradation as Orbán led an "aggressive anti-EU" campaign targeting then-European Commission president Jean-Claude Juncker and promulgating what Brussels referred to as "ludicrous conspiracy theories" regarding European migration policy (Rankin 2019). Implied, of course, in Fidesz's tactics and Orbán's willingness to be suspended by the bloc is a Hungarian willingness to isolate itself on the European level; it is perhaps not a coincidence this occurred after a sort of "illiberal alliance" formed between Poland and Hungary, with 2018 featuring expressions of support from Hungary in Poland's Article 7 dispute with the European Commission, and Polish support of Hungary in its own dispute (Shotter and Hopkins 2018). This approach also likely evidences

Orbán's confidence in domestic electoral support, confidence that Hungarians would be convinced by European-level slights against himself and Fidesz to vote against the party; the results of the May election bore this out, constituting the best national-level election results of any Euroskeptic party, with Fidesz garnering over half of votes despite (or perhaps due to) skyrocketing turnout of more than double that of the previous EU parliamentary election in 2015 (*BBC News* 2019).

In July 2019, the European Commission, under then-President-elect van der Leyen, took broad measures aimed primarily at Hungary and Poland, introducing new policies to "ensure compliance with democratic norms" (Large 2019). She also introduced an annual "rule of law review" on each EU member state and unveiled plans to make structural funds conditional on (though also proportional to) the results of review findings, further indicating a recent EU-level hardening against Visegrad illiberalism (ibid)(Von der Leyen Commission 2019).

Poland

The downfall of communism in Poland, though tracing back to the 1980 foundation of the massively influential trade union and political movement *Solidarność* ("Solidarity"), began in earnest in 1989, when the movement gained all seats (35% of the *Sejm*, the Polish Parliament) not reserved for the ruling PZPR (*Polska Zjednoczona Partia Robotnicza*, or "Polish United Workers' Party) and its allies, and 99 of the available 100 senate seats. After this clear blow to PZPR legitimacy and hyperinflation in 1990, the last Communist First Secretary was (similar to what would soon occur in Hungary) replaced by his Prime Minister, Tadeusz Mazowiecki of *Solidarność*. Also similarly to the Hungarian case, the PZPR dissolved itself and became a Social-Democratic Party in 1990, and later that year Lech Walesa was sworn in as President. The first free elections since World War Two were held in late 1991, and the last Soviet troops left in

1993. In the following two decades, Poland would join the EU (2004) and, like Hungary, achieve in the 2000s relatively high marks for democratization from political experts, including very high ratings in terms of Electoral Process/Pluralism and Civil Liberties (Economist Intelligence Unit 2008; 2018).

This, however, was not to last. Though some argue signs of weakness appeared before 2015 (perhaps coincidentally, Jarosław Kaczyński's Law and Justice also had a brief stint in power around a decade before their later rise to power), the parliamentary elections of that year led to the significant and rapid downgrading in critical aspects of Poland's institutions and political culture with which we concern ourselves today, in patterns often very similar to what had occurred/was occurring in Hungary. The April elections saw the narrow defeat of the centrist incumbent President, Bronislaw Komorowski, by Law and Justice's Andrzej Duda, and the October elections a narrow majority for that party in parliament (despite winning only 37% of the vote, due to a split opposition)(Lyman 2015). This came after a campaign which featured nativist rhetoric from Law and Justice figures, including party leader Kaczyński referring to danger from "parasites and protozoa" being carried in by Muslim refugees (Cienski 2015), after stating for years that he hoped to one day see Warsaw become a "Budapest by the Vistula" (Sata and Karolewski 2019).

Only weeks after the parliamentary result and with a "sense of urgency," a new media law was passed which explicitly aimed at shifting the media narrative around Law and Justice's controversial reform plans (Chapman 2017, 9). This allowed for the government termination and replacement of national radio and television executives, replacement of public radio and TV journalists, and restricted public advertising in private print media in an attempt to cause them financial harm (ibid). Polish Foreign Minister Witold Waszczykowski described the law as an

attempt to "cure" his country of the "new illnesses" of mixture of cultures and races, of "cyclists and vegetarians," of "renewable energy and [battling] religion" (Khan 2016) – a comment difficult to see as anything other than a farcical attack on all things perceived as Western and cosmopolitan.

Soon after, measures taken by Law and Justice in December led to what is now known as the Polish Constitutional Court crisis of 2015. A new law passed in that month by the new parliament imposed new, stricter requirements for Constitutional Tribunal rulings, including ⅔ supermajority support for all decisions and requiring a quorum of 13 of the 15 judges, stricter requirements than the Polish Constitution sets out. Perhaps even worse, the new law allowed the Constitutional Tribunal to be dismissed before the end of their terms by the President, Parliament, or the Department of Justice (Flückiger 2015). This led to a constitutional crisis which the court lost, deeply undermining the power and independence of the Polish judiciary: the Constitutional Tribunal itself ruled that the new restrictions placed upon it were unconstitutional and therefore nullified, but as the government is required to publish Court rulings in order for them to go into effect, its refusal to do so let the new law stand (*BBC News* 2016). International outcry quickly followed, with then-head of the EU Parliament Martin Schulz saying that Law and Justice's actions had the "characteristics of a coup" (Day 2015).

Twenty-sixteen saw the European Union opening an investigation into the aforementioned media law for potential violations of European values, and the continuation of the trend of majority politicians (including Prime Minister Beata Szydło) using terrorist attacks for political point-scoring; for instance, Szydło after the 2017 Manchester attack referred to "madness of [Brussels] elites" and emphasized the role of the Polish Border Guard in "securing the external borders of the European Union" (Rydlinski 2018). July of 2017 saw a dramatic veto by President

Duda of his own party's second major attempt at hamstringing the judiciary, which would have required all Constitutional Tribunal judges to step down unless given express permission from the Justice Minister to stay on, given parliament control of appointment of National Judiciary Council members (the body charged with nominating new judges), and given the Justice Minister the power to dismiss and appoint lower court judges at will, essentially eradicating judicial independence in Poland (Sadurski 2017). Though he vetoed these measures, his own measures forwarded later that year were also unconstitutional in several ways, including age caps for Tribunal judges (ibid). The combined weight of 13 Law and Justice-approved laws limiting the power and independence of the judiciary in the 2015-17 period led the EU to invoke Article 7 against Poland in December 2017, in an effort to pressure Poland to backtrack on these reforms (*BBC News* 2017).

In 2018, the Polish government pursued a path similar to Hungary with its war monument in the form of a new "Holocaust Law," which forbade "mentioning the complicity of 'the Polish Nation' in the crimes of the Holocaust" (Donadio 2018), leading to international outcry, notably from Israel. At this point the strain on the government was becoming apparent, with hardline Law and Justice MPs (like the one who proposed this law) pulling in one direction and the EU (whose aforementioned pressure had by this point led to a cabinet reshuffle to include more moderate politicians) in another (ibid). Despite the noisy opposition and protest caused by Law and Justice's many controversial actions over the previous four years, 2019 saw Law and Justice increase its support over 2015 in Sejm and Senate elections, despite losing seats to the center and center-left (thereby losing its majority in the Senate). However, on the European level, the story was somewhat different; the same trend of high support and vastly increased voter turnout present in the 2019 EU parliamentary elections in Hungary was also true of Poland, with Law and

Justice winning over half of seats with 45% of the vote in a result which (like Hungary's) featured over double the turnout of 2015's poll (*BBC News* 2019).

Discussion

The similarities between the two cases are immediately apparent and compelling – without them, this thesis, as well as a significant amount of scholarly work over the past half decade, would not exist. Without yet addressing questions of what these similarities should mean in terms of regime classification, this subsection will summarize the similarities (and differences) between the two cases to provide a basis on which the later sections can stand.

Given the similarity in measures and timing of illiberal/anti-liberal-democratic actions taken by the governments of Hungary and Poland over the course of the still-ongoing rule of Fidesz and Law and Justice, respectively, scholars have begun referring to groups of strategies or "playbooks," referring to "commonalities in [Hungary's and Poland's] political playbook" (Bozóki and Hegedűs 2018, 1176), "Orbán's Political Playbook… coming to Poland" (Spence 2016), and, a bit more snappily, the "wannabe dictators' playbook" (Lührmann et al. 2020). Elements of this "playbook," i.e., illiberal actions undertaken by both countries with significant substantive and/or timing similarities, include:

1. Attacking the independence of the judiciary, particularly the Constitutional Court/Tribunal, institutions designed to oversee and (when necessary) limit the legislature
2. The enacting of "media laws" and otherwise silencing critical media, while supporting media providers allied with the dominant party
3. (Since 2015) the demonization of immigrants, particularly refugees and economic migrants from Middle Eastern and North African nations in official statements, election campaigns, and media
4. Attempts to sanitize history by exculpating the citizens and governments of Hungary and Poland during wartime Nazi occupation of complicity in/support of the carrying out of the Holocaust

Hungary has, mostly by virtue of its overwhelming victory in 2010, managed to take some additional unique steps:

1. Altering electoral policy in ways advantageous to Fidesz, i.e. "legislative capture" (larger districts which favor majority, reduced role of national list voting)
2. Enshrining many "reforms" in a new Hungarian constitution and "cardinal laws," both of which require supermajorities to alter or remove (what could be termed "constitutional capture"); Poland's policy changes, due to lack of constitutional supermajority, have had to take the form of regular laws or other means which do not require a supermajority to change.

Of course, none of the measures taken by the two countries are unique; what matters is their existence together, in a very specific time and place, and the clear connectedness between and intention behind these measures. Some mature democracies, like Great Britain, do not have constitutions to eviscerate but still constitute robust democracies. There have been many attacks on media critical of the government, attacks/scapegoating of immigrants, and even some limited attempts at historical revisionism in established democracies in North America and Europe, particularly over the past half-decade. Gerrymandering is commonplace in the United States, and many nations have electoral systems which favor strong/ruling parties. What makes the cases of Hungary and Poland special is thus not each feature individually, but their combination. Kim Lane Scheppele framed this argument nicely in her reference to Hungary as a "Frankenstate", one "composed from various perfectly reasonable pieces, [whose] monstrous quality comes from the horrible way that those pieces interact when stitched together" (Scheppele in Bogaards 2018, 1482). Surely if, based on the above evidence, we reject that the Hungarian and Polish states are indeed at this point composed of "entirely reasonable pieces," the argument that the combined weight of the failings of those regimes to uphold democratic norms is far greater and more worrisome than the sum of their imperfect parts becomes all the stronger.

One significant last point is that cooperation between the government of the two countries is clear on the EU level, and suspected to be close (though obviously difficult to verify) on the national level. After Law and Justice's 2015 victory, "media in both countries immediately began to forecast an imminent meeting" between Law and Justice and Fidesz party leaders, which came to pass several months later, and since then "both the two leaders and other politicians from Fidesz and Law and Justice have been meeting regularly," though "it remains unknown how much these meetings are a reflection of friendship between the politicians and how much they are aimed at sharing and receiving 'instructions'" (Rydlinski 2018). Regardless of whether an actively "copy-paste" policy approach has been taken by Poland (and it would appear that at least in some situations this is likely: consider the similarity in timing in, for instance, the extremely rapid attacks on judicial independence in Poland, also one of the first major, and successful, moves of Fidesz in 2010), it seems to certainly have benefitted from Hungary's example. Just as the two nations learned from each other and supported each other's efforts in their breakaway from the Soviet Union, "Beata Szydło's government is fully benefiting from 'Fidesz's revolution,'" a revolution "whose aim it is to retain power not only via elections, but also by influencing the law, consciousness and language" (ibid). Using Przeworski's definition of democracy as a system in which "parties lose elections," we see in both countries attempts (with varying levels of success) to destroy it by degrading the ability to lose and meaning of "losing" an election through fundamentally altering the political playing field, governmental institutions, and civil societies of each country.

Rating the Cases

In order to rate the Hungarian and Polish cases according to the scheme laid out in the introduction, first a summary of relevant illiberal reform efforts by the Fidesz and Law and Justice

governments must be laid out, along with the outcomes of these efforts and the relevant constraining actors (where they exist). This will come in the form of a table for each nation. After each table will come a discussion of the evidence and judgement of the correct rating for each dimension/subdimension.

Hungary Summary Table

Figure 5: Significant Transformative Hungarian Government Actions, Results, and Constraints (2010-20)

Year	Goal of Action	Result	Constraining Actor(s)
2010	Abridge Constitutional Court's right of judicial review and right to annul laws on public finance	Passed	
2010-11	Media Law: Requirement for registration of media outlets, content must be "balanced" and "respect human dignity," journalistic source protections weakened. Enforced by threats of fines, suspension, and closure	Passed, Amended (source protection restrictions weakened)	European Commission EU Nations
2012	New Constitution: Codified/incorporated many existing restrictions (including CC restrictions), enlarged parliamentary districts and other favorable election law changes	Passed, Partially Amended	European Commission Venice Commission Constitutional Court
2014	World War II Monument (accused of sanitizing history of Hungarian persecution of Jews)	Constructed, despite significant protests	
2015-16	Immigration Questionnaire: Aimed to demonstrate Hungarians' unwillingness to abide by new EU refugee settlement policy	Proceeded as planned; result invalid due to low turnout	
2017	Weaken/frustrate Central European University through new education law	Success; CEU moves from Budapest to Vienna.	
2018		Article 7 Proceedings begun over rule of law conconcerns stalled; no conclusive result at this time	European Parliament
2019		Fidesz's membership in its European Parliament Bloc suspended over rule of law concerns	European People's Party (European Parliament Faction)
2019-		Threat of future structural fund conditionality based on strength of rule of law; no result at this time	European Commission

Hungary Subdimension 1b Rating

The question of whether the Orbán-led Fidesz regime can at this time can be considered a democratizing, static, or autocratizing regime is quite an easy one given the weight of the evidence collected above. Several major reforms clearly aimed at crippling judicial independence, silencing critical/non-government-aligned media, changing election laws to favor the ruling party, "sanitize" Hungarian history, and limiting academic freedom have been introduced and passed in the last ten years, many of which being enshrined in the new constitution or simple-majority-proof "cardinal laws," evidence a clearly **autocratizing** government strategy. Though success (i.e., lack of constraint) of these efforts is *not* required to rate the current government as an "autocratizing" one, the move in Hungary's democracy indicators (as discussed in Chapter One) away from democracy and towards autocracy over the past ten years, surely largely a result of the aforementioned measures, only serves to reinforce the status of Fidesz under Viktor Orbán as an autocratizing government.

Hungary Dimension 2 Rating

Domestically, the Fidesz "reform" efforts of the past decade have largely succeeded in their efforts of removing any significant challenge to the current regime's power. The first target, the judiciary (particularly the Constitutional Court), was in the 1990s and 2000s capable of imposing significant restraints on government legislation under a flawed, but liberal constitution; now, with hamstrung courts and a new Constitution, Hungary's judiciary has been rendered effectively incapable of government oversight. The new election law favors the majority, making it less likely that Fidesz will lose power in the near future, and Fidesz's incorporation of many of its policies in the constitution or "cardinal laws," both of which would require opposition super-majorities to overturn or amend, would effectively extend Fidesz power even past the point of

any currently conceivable degree of opposition electoral victory on the national level. The media has been brought largely under Fidesz control, with opposition being credibly threatened with punitive actions including shutdown, both through new government oversight of media outlets and through less formal means, as in the case of the shutdown of *Nepszabadsag*. The government has proven its ability to curtail academic freedom when it wishes, as the case of the Central European University's expulsion from Budapest evidences. In short, though domestic opposition exists, even winning the Budapest mayorship in 2019, given Fidesz's success at eroding or eliminating so many critical sources of government oversight, its constitutional legislative majority, and its enshrining of many of its policies in a way inconceivable for opposition forces to overcome in the foreseeable future, lead to a rating of current domestic constraints on the Orbán's Fidesz as **low**.

By contrast, supranational constraints, though also limited in significant ways, have proven somewhat more successful at slowing and/or stopping the worst of Fidesz's measures, forcing concessions in some cases and threatening future action by opening investigations/threatening fund conditionality. Pressure from European institutions, including the European Commission, the European Parliament, the European People's Party (a bloc within the European Parliament), and from European nations unilaterally have clearly been behind nearly all of the admittedly fairly small-scale Fidesz rollbacks. Furthermore, as a result of the buildup of rule of law concerns, more direct and credible threats have emerged on the European level since 2018, including the initiation of Article 7 proceedings, and the new President of the European Commission Ursula von der Leyen appears ready to pursue more aggressive rule of law policing in Hungary (and the rest of Europe) with her new yearly rule of law reviews and stated willingness to

make structural funds conditional on good behavior. Due to the persistent but limited effectiveness of supranational constraints on Hungary's move towards authoritarianism, combined with the stronger rhetoric and action from the EU over the past two years aimed at Hungary, it seems Hungary is moderately constrained at the supranational level, or, to put into binary terms, is indeed **supranationally constrained.**

Poland Summary Table

Figure 6: Significant Transformative Polish Government Actions, Results, and Constraints (2015-2020)

Year	Goal of Action	Result	Constraining Actor(s)
2015	Media Law: government termination and replacement of national radio and television executives, replacement of public radio and TV journalists, restricted public advertising in private print media in an attempt to cause financial harm	Passed [2016: EU Investigation Opened]	
2016	Constitutional Court Law: Required supermajority of votes and higher quorum requirements, despite existing lower requirements in constitution; allowed for early firing of justices by government	Passed	
2017	Further circumscription of Judiciary: After vetoing own party's measures earlier in the year, President Duda signs into law several (unconstitutional) limits on judiciary, including age limits for Tribunal judges	Passed (after other limitations vetoed by President)	
2017		Article 7 Proceedings begun due to concerns over judicial independence; pressure led to inclusion of some moderates in Cabinet	European Parliament
2018	Holocaust Law: Forbade mentioning complicity of Poland in the Holocaust	Passed	
2019-		Threat of future structural fund conditionality based on strength of rule of law; no result at this time	European Commission

Poland Subdimension 1b Rating

As in the Hungarian case, one of the easier parts of rating Poland under the system proposed by this paper is the rating of current government strategy (that is, as democratizing, static, or autocratizing). Though Law and Justice has not been able to successfully pass illiberal measures with the same breadth and depth of the Hungarian regime, its strategy has proven very similar to Hungary's, both having started with restrictions on the judiciary (particularly the country's constitutional court) and the media to give more power and influence over those institutions to the current government and engaged in what could be termed "historical revisionism" regarding domestic anti-Jewish actions during World War II. While this paper does not analyze political rhetoric, it is also important to note that anti-immigrant sentiment is by now effectively part of the Law and Justice brand, despite not having the same level of legal action regarding this area as Hungary (Gromadzki 2018; Bertelsmann Stiftung 2018b); new restrictions in the form of "LGBT Free Zones" by local Law and Justice politicians also evidence an illiberal and authoritarian trend below the national legislative level (Ciobanu 2020). The fact that Poland's government has not successfully enacted as many "reforms" in the illiberal/autocratizing direction as Hungary therefore likely has more to do with its tenuous majority than a significantly more liberal democratic outlook than Fidesz's. Genuine political competition (in the sense that the party in the power has the ability to lose elections) still exists in Poland, with voters never having given Law and Order a constitutional majority, thereby putting some reforms out of reach for the party (for instance, election policy manipulation, or replacement/alteration of the constitution). This has not stopped Law and Justice from violating the constitution (notably in its defiance of and restrictions on the judiciary), but limits its ability to credibly do so, and the fact that nearly half of the country reliably votes against it means there is much less margin for error in taking

restrictive steps. For this reason, Poland's Law and Justice can also be considered an **autocratizing** one, simply one with perhaps less capability for pursuing autocratizing action due to greater domestic limitations.

Poland Dimension 2 Rating

Poland's domestic constraints, while for several reasons not as strong as those in long-time liberal democracies, are nonetheless significantly stronger at this point in time than Hungary's. The main areas of successful attack by Law and Justice on domestic constraints have been in the judiciary and media, areas in which the depth of restriction (in other words, level of successful autocratization) have been at least comparable with Hungary. However, Law and Justice has not been able to achieve the level of legislative capture that Fidesz has, and as a result has not been able to enact such radical changes as enshrining changes in the constitution or "cardinal laws" or change electoral rules in their own favor. In addition, restrictions on higher education have not been a priority of Law and Justice, and despite sporadic concerns over publications on democracy, the constitution of Poland tightly controls government action in regards to academic freedom, which the government has so far respected (Łakomiec 2019). Probably most importantly in rating the level of domestic constraints in Poland is, however, not the fact that Law and Justice has not *yet* enacted such deeply autocratizing measures in the breadth of areas that Hungary has, but that it simply seems unlikely that they will ever be allowed to, barring some massive future voter realignment. The Polish people themselves, with their votes, have proven, and will in all likelihood continue to prove, Law and Justice's most significant constraint: the party's 43.6% vote share in the 2019 elections was the highest any single party had seen since 1989, amidst a migrant crisis (Fidesz's crushing success also coming during a crisis, the Great Recession), and has only ever had tiny majorities, even losing the Senate in 2019. For all of the

above reasons, it is simply impossible to conceive of Poland as anything other than **domestically constrained**, with a Fidesz-style elimination of meaningful domestic opposition extremely unlikely at this advanced stage.

Due to the same supranational body (the EU) dominating supranational constraints on Law and Justice's illiberal turn as in the Hungarian case, and the similarity of proceedings in terms of timing and strength against both nations (Article 7 proceedings and the new rule of law reviews from the European Commission), the same logic regarding supranational constraints applies. Furthermore, the example of concessions in the form of a Council of Ministers (cabinet) reshuffle to include more moderate voices in the executive branch as a result of sanction threats from the EU (Donadio 2018) can only serve to underscore the power the EU has over Poland, especially as this was clearly a case of Poland making concessions, as opposed to Hungary's 2013 "concessions" which were equal part manipulation/bargaining on their part. As Law and Justice's dominance in Poland, if it can even be called that, is far weaker than that of Fidesz in Hungary, it stands to reason that even when faced with nearly exactly the same pressures, the Law and Justice government will simply be less able to ignore and/or manipulate their way out of them; their hand is simply a weaker one. Hence, we can say with certainty that Poland is also **supranationally constrained** by European institutions.

Chapter Four: Analysis and Conclusion

Case Rating Comparison and Conclusion

Combining all of the aspects of this paper's regime typology, we can under this system refer to Hungary as a "supranationally-constrained autocratizing hybrid regime" and Poland as a "highly-constrained autocratizing hybrid regime" (a more parsimonious version of the also-acceptable "supranationally- and domestically-restrained autocratizing regime"). This nomenclature allows us to more easily see the core difference between the two cases: while other typologies/papers do or would try to distinguish these cases by discerning precisely how far each had slid away from liberal democracy, this paper, while acknowledging that as a significant point, forwards that nomenclature getting at both the similarities between government strategies and the level of constraints they face in pursuing those strategies allows for deeper and more nuanced understanding. The truly important difference between Poland and Hungary is not in their position within the hybrid space, the difference is the higher domestic constraints in Poland, resulting from Fidesz's domination over/destruction of key domestic actors, which was itself only made possible by much stronger initial electoral domination. Poland and Hungary are far more similar than they are different, but this factor is key; while this paper makes no claim to tell precisely where either country is on any political spectrum, it can be surmised that this, more than any difference in government strategy, is what has allowed Fidesz to enact more and harsher restrictions on non-aligned institutions.

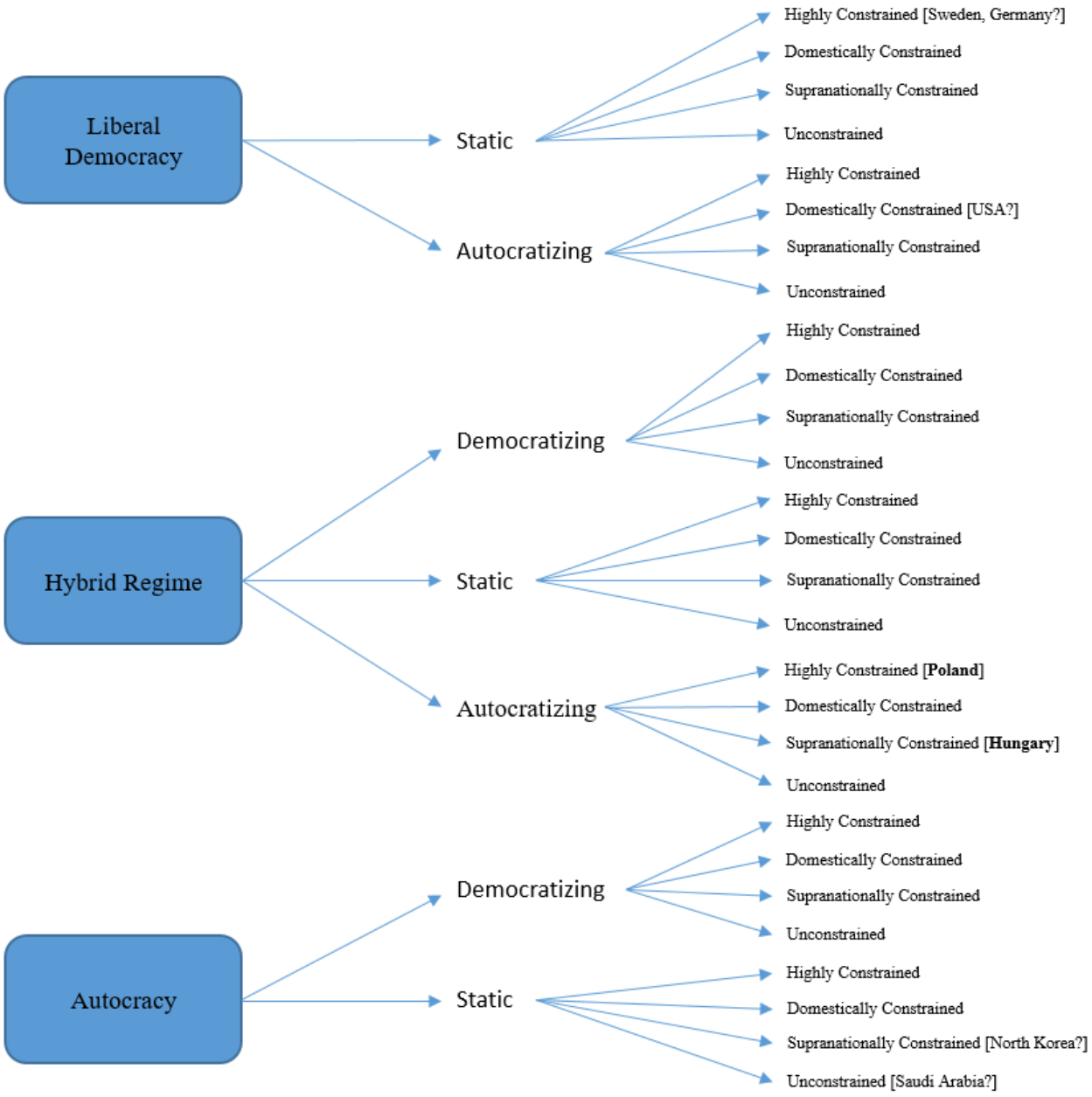
The only major factor, other than government time in power, accounting for the difference in outcome in the two countries is the domestic aspect of constraint; this indicates that Poland, as a "highly constrained" nation, will likely continue to slide away from democracy at a slower pace than Hungary has and will, and that even in the absence of electoral defeat will hit a higher "floor" than Hungary will be subjected too. By contrast, Hungary, which is (among other factors) by the very nature of its backslide also less likely to be voted out and which only faces significant supranational constraints, will be able to continue to fall faster than Poland, and (likely) be subject to a lower "floor" beneath which the EU would not allow it to sink. It seems in the long term that Poland, while remaining in the hybrid space for the foreseeable future, is thus more likely to remain towards the top of it, and has a far better chance of returning to a democratizing trajectory. Hungary, by contrast, is harder to pin down; it will continue to fall towards autocracy due to its weaker constraints, and might either react to the nascent but growing movement against its illiberal nature by stagnating at a lower point within the hybrid space, or breaking unilaterally with the EU, perhaps entering a special relationship with Russia, and sending Europe into deep crisis. Much will be determined in the coming years, especially in terms of how Hungary will deal with EU pressure; it, due to lack of meaningful domestic constraints, is much more likely to be the country to watch in terms of the future of illiberalism within the EU than Poland, despite the deep similarities in the two countries' appearance.

Broader Applications

Of course, the above discussion is, while important in the European context, little more than hair-splitting on the global level. This paper's approach, though of course designed with parsing the particularly interesting aspects of hybrid regimes and regimes in transition in mind, is flexible and broad enough to rate any country in the world. The figure below provides a visual

for all possible regime ratings under this system, with Hungary and Poland, as well as some guesses as to the status of a handful of other prominent cases, in mind:

Figure 7: Typology Tree Chart



In following the general logic of liberal democracy and autocracy being "pure" types representing only those regimes on the edges of the democracy-autocracy spectrum, liberal democracies cannot in this schema be democratizing (having set up/retained all the key aspects of liberal democracy), nor can autocracies autocratize – to include such categories would go against the very logic of including them in that category in the first place. It is also no mistake that the hybrid regime space is broad and incorporates the most subtypes, as these regimes are obviously among the most difficult to characterize, by definition not easily definable under most existing typologies. Allowing less "space" to the traditional regime types, stable autocracies and democracies, allows for the post-Cold-War reality of the rise of the hybrid to finally have a central and prominent place in our understanding of world governments, rather than just an add-on or as wastebasket for shifting and difficult cases.

Aside from the obvious uses of a hybrid-centered typology, another area of interest can be found in the adjacent areas, the autocratizing liberal democracies and the democratizing autocracies. By virtue of the aforementioned narrow definition of these types, without significant constraints a nation would rapidly pass through this area, making it of little value; however, for that very reason this typology could help conceptually clarify the role of significant restraints in impinging reform-minded governments. For instance, the USA, which many (including some of the earlier-mentioned democracy indexes) see as slipping away from liberal democracy, might be simultaneously autocratizing but severely restricted by strong domestic constraints; similarly, to take an extreme example, a convinced reformist in Yemen would have a vanishingly low chance of leading their country into the hybrid space due to decentralized power, conflict, and lack of resources. In a way, this typology is geared towards explaining what could be termed "interesting" cases, even if they are not hybrids, ones which are complex and feature multiple competing

interests; this can probably be considered a strength, rather than lop-sidedness, as it usually those cases which have the lowest ratio of public/international interest to extant literature, not to mention also likely being of the greatest strategic, military, and human rights concern.

Strengths and Weaknesses of Approach and Areas for Future Research

The approach laid out in this paper is, of course, imperfect, being better at some aspects of regime categorization and precise, meaningful description of hybrid/volatile regimes than existing approaches and perhaps worse at others.

One major strength of this approach is the balance it strikes between the hyperspecific "adjective" approach taken in some of the literature, which in its purest form aims to describe a single regime according to its rare or unique attributes but thereby makes the author's categorization uncomparable to other cases (due to a lack of formalized system behind this judgement), and the limited reach of indices, which in many cases may be underspecific, not getting at the most important qualities of a regime in favor of making the ultimate rating more comparable with other cases. Also addressing the issue of underspecification, this typology treats constraints as an integral part of regime categorization, a feature sometimes addressed in specific adjective-based categorizations but mostly missing from existing typologies. This has proven itself to be a significant enough aspect of many nations' movement in the democracy-autocracy spectrum to warrant its own subcategories, trading some parsimony for more (important) information conveyed.

Perhaps the greatest weakness of this approach at its current stage of development is the lack of a formalized system for producing ratings, and the biases and subjectivities of the author and the available evidence which can thereby influence those ratings. Given the inherently qualitative nature of trying to understand such abstract principles as "democracy" or "autocracy," to

say nothing of "hybridity," this would be a difficult task. It seems relatively likely, due to the relatively coherent nature of the cases examined in this paper and the abundance of sources on the recent political histories of Hungary and Poland, that qualitative judgement on the part of the author indeed led to a widely acceptable rating; however, in more convoluted cases, for instance Italy or perhaps Tunisia, qualitative delineations could prove very difficult indeed. Though formal methods of distinguishing precisely where the "broad hybrid space" ends, or how far to one side a government's program has to be to be considered non-"static," or the point at which "unconstrained" becomes "constrained," though not required in our case studies would be necessary to do any large-n work with this typology.

Another potential criticism would be that this paper, while criticizing the "adjective" approach to regime classification, itself proposes a typology with rather adjective-rich and narrow classifications. This is, of course, a fair criticism, and balancing parsimony/ease of understanding with information density is a typical problem for any proposed classification system; however, the true problem is not with adjectives or specificity themselves, but their non-standardized, non-universal nature. This system uses adjectives in a *consistent* way, leading to long, perhaps complex, but information-dense and standardized classifications which are broad enough to incorporate the most significant factors in regime quality and change around the world and across all regime types.

The most obvious areas for continuation and expansion of this paper's approach would be to address the aforementioned weakness in terms of setting up a way to objectively as possible determine the boundary line between the typology's categories. For Subdimension 1a, this could probably be done relatively easily using some sort of meta-index of existing indices (though, as acknowledged in this paper, their very use is a sort of compromise solution). For Subdimension

1b, this should in most cases (as in the case studies) not be needed, but in marginal cases ratings over time and expert opinions could be used as tiebreakers (a truly quantitative approach would likely not be fruitful). Likewise, for Dimension 2, a cutoff could be set in terms of what proportion/number of significant transformative government actions were mostly/entirely thwarted by constraints, though this would require strict inclusion criteria, any single group of which may not apply evenly across regions, regime types, and/or current government orientations. In attempting to strike a balance between over- and under-specification of the Hungarian and Polish regimes, blurry lines may indeed come with the territory; however, upon further refinement, this way of understanding and systematizing particularly hybrid/transitioning regimes may produce a clearer understanding of modern regimes' most salient features.

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